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October 24, 2007

Honorable Lawrence E. Kahn
United States District Court
Northern District of New York
500 Broadway, Courtroom
Albany, New York 12207

Re: *Provenzano, et al. v. The Thompson Corp. et al.*
Civil Action No. 1:07-CV-0746 (LEK/RFT)

Dear Judge Kahn:

I am corresponding in regard to the above-entitled action wherein I am counsel for the Plaintiffs named therein. Presently before Your Honor is Defendants' motion to dismiss the Plaintiffs' amended complaint pursuant to Fed. R. Civ. P. 12(b)(6). On page 4 of the Defendants' reply memorandum of law in further support of Defendants' motion to dismiss defense counsel James Rittinger has chosen to reference to the matter of Thomasson v. GC Servs. Ltd. P'ship, an action filed in the United States District Court for the Southern District of California wherein I serve as co-counsel for the Plaintiffs named therein. As Mr. Rittinger reports, I was sanctioned therein by the Honorable Larry Alan Burns via Order dated September 5, 2007 ("Sanctions Order").

Mr. Rittinger references the Sanctions Order for the apparent purpose of impugning my integrity with Your Honor as his clients argument for dismissal of the amended complaint is baseless. Therefore, I am compelled to defend myself against Mr. Rittinger's improper motives.

I advise Your Honor that I have been litigating cases pursuant to the Fair Debt Collection Practices Act (FDCPA) for over 13 years. In regard thereto, I have filed hundreds of FDCPA actions against mainly well-funded collection agencies and collection lawyers who have attempted to intimidate me via the filing of numerous attorney grievances, via claims that I commenced baseless FDCPA actions for purposes of harassment, via SLAPP suits, and via sanctions motions. Despite all of the foregoing I have *never* been adjudged to have violated any attorney ethics code, never had any FDCPA action deemed frivolous, never been adjudged liable in any retaliatory civil lawsuit and, prior to the Sanctions Order, never been sanctioned pursuant to Rule 11 or pursuant to any state court sanctions provision.

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I have spent the bulk of my legal career helping distressed consumers who were being abused by collection agencies and collection attorneys. I have provided compliance assistance to those respectable debt collectors seeking to comply with the FDCPA. I taught FDCPA and Consumer Law classes as an Adjunct Professor of Law at Thomas Jefferson School of Law, an ABA approved law school located in San Diego, and I have taught legal ethics at New York University, School of Continuing Education, Department of Law and Taxation. The FDCPA class actions that I have commenced during my career as an attorney have resulted in hundreds of thousands of dollars being donated to numerous charitable causes via *cy pres* awards. Furthermore, I have donated hundreds of *pro bono* hours during my more than 15 years of practicing law to persons in need of legal services.

During my tenure of owning and operating a highly successful bar review business I donated countless hours teaching African-American and Latino law school graduates hoping to pass the New York State bar exam. In short, if I was the type of bad lawyer that Mr. Rittinger attempts to portray me as with Your Honor, then these bad character traits would have been revealed many years before the recent Sanctions Order issued by Judge Burns.

Of course, I was greatly distressed by the Sanctions Order and the ramifications associated therewith. In fact, I am presently appealing the Sanctions Order to the United State Court of Appeals for the Ninth Circuit based upon advise from legal counsel that said Sanctions Order was unwarranted. I am confident that the Sanctions Order will be reversed and vacated by the Ninth Circuit.

Mr. Rittinger is well advised to remember that those who live in glass houses should not throw stones. Indeed, in the matter of Application of New York Foundation for Senior Citizens, 154 Misc.2d 880, 586 N.Y.S.2d 700 (Sup. Ct. N.Y. County 1992) the Court therein deemed Mr. Rittinger's client, The Bowery Bank, to have committed contempt of court by violating an order to turn over monies to the New York Foundation For Senior Citizens Guardian Services, Inc. said contempt being sanctionable. There can be no doubt that Mr. Rittinger's law firm played a vital role therein to assist their client in depriving senior citizens of much needed funds.

Respectfully submitted,

/s Robert L. Arleo

Robert L. Arleo

RLA:gra
cc: Honorable Larry Alan Burns
James. F. Rittinger
Jeffery Provenzano
Thomas Benjamin
Monica Agosto